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U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 1, 2022

BY ECF

Hon. Valerie E. Caproni
Thurgood Marshall
United States Courthouse
40 Foley Square, Courtroom 443
New York, NY 10007

Re: *United States v. Williams, et al.* 21 Cr. 603 (VEC)

Dear Judge Caproni:

The Government writes pursuant to the Court's order, to provide a status report regarding the Government's production of discovery in this matter. Since the Government's February 18, 2022, update to the Court, the Government has provided to the discovery coordinator five productions: on February 25, 2022, March 4, 2022, March 14, 2022, March 25, 2022, and April 1, 2022.

In its February 18, 2022, letter (the "February 18 Letter") to the Court, the Government apprised the Court of its progress producing materials by category. By way of background, and excluding certain materials related to its ongoing investigation, by February 18, 2022, the Government had completed producing materials in the following categories: (i) legal process; (ii) § 2703(d) returns; (iii) search warrant returns containing cellsite location information; (iv) search warrant returns containing location information from social media providers; and (v) individual discovery to each defendant consisting of post-arrest statements, criminal history documents, and email accounts attributable to them. Below, the Government provides an update on its progress regarding the remaining categories of material, excluding materials related to its ongoing investigation.

Search Warrant Returns from Email Accounts. As of February 18, 2022, the Government had completed production of responsive material for 10 of the 19 email accounts for which it obtained search warrants. The Government has since completed its review of the remaining nine email accounts. It produced responsive material from eight of those nine accounts on March 25, 2022. Responsive material from the ninth account was produced today. Accordingly, the production of this category of material is complete.

Search Warrant Returns from Physical Devices. As the Government noted in its February 18 Letter, the FBI's Computer Analysis Response Team ("CART") provided the case team

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extractions from Terrence Williams's iPod, two laptops, and three cellphones.¹ The review of the data extracted from the iPod, two laptops, and three cellphones is complete. Responsive materials were produced today. As explained in the February 18 Letter, the available extractions for two of the three cellphones have limited content information, and CART is continuing its efforts to extract information from those two cellphones. CART is unable to provide an estimate as to how long it will take, if ever, to successfully recover more content information from those two cellphones. Accordingly, with respect to the data available to the Government, production of this category of material is complete. If CART is able to extract additional data from the two cellphones, the Government will notify defense counsel and the Court.

Subpoena Returns. The bulk of this material was produced by February 18, 2022. Materials from additional subpoena returns were produced on February 25, 2022. Accordingly, the production of this category of material is complete.

Subpoena Returns from Health Care Providers. The vast majority of these materials were produced on February 25, 2022. Additional materials were produced today. A handful of documents remain, which the Government will produce within the next few weeks. Accordingly, production of this material is substantially complete.

Subpoena Returns from the Plan and Third-party Administrators ("TPAs"). As described in its February 18 Letter, the Government obtained voluminous material from the two TPAs that managed the Plan. The Government produced the material it relied on in its investigation and has searched the rest of the material, approximately 22 gigabytes of data, for the defendants' names. As to one TPA, approximately 1,180 documents were responsive to that search. Those documents have been reviewed and responsive materials were produced on March 14, 2022 and March 25, 2022. As to the second TPA, 3,043 documents were responsive to that search, another 2,236 do not have extracted text and cannot be searched. These 6,459 files have been reviewed and responsive materials were produced on a rolling basis concluding with today's production. The Government is reviewing approximately 50 additional documents, which are believed to be duplicates of documents already produced, and will produce any documents, if necessary, within the next two weeks. Accordingly, production of this material is substantially complete.

Additional Materials. On March 25, 2022, the Government produced FBI 302s containing surveillance reports. Certain handwritten notes, used to create those 302s, have not yet been produced. The Government is working with the FBI to collect those materials and will produce them before May 2, 2022.

The Government is conducting additional inspections of the materials it has collected in this case to ensure there are no additional materials that require production. If any, the Government will promptly produce that material. As of today, the Government has produced approximately 63 gigabytes of uncompressed data (approximately 9,527 files and approximately 539,000 pages) to

¹ An iPad was also seized but, at present, CART is unable to extract data from that device.

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the defendants. At this time, excluding materials from its ongoing investigation and other materials described above, the Government's production is substantially complete.

The Government is available to address any questions the Court may have.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/
Kristy J. Greenberg
Ryan B. Finkel
Assistant United States Attorneys
(212) 637-2469/6612

Given that discovery remains ongoing, the status conference, currently scheduled for Monday, May 2, 2022 at 10:00 A.M., is adjourned to **Tuesday, June 7, 2022 at 10:00 A.M.** The Court is open to holding the conference remotely via teleconference. Only counsel is required to attend the status conference. Any Defendant who wishes to appear on the teleconference must file a waiver of in person appearance by no later than **Friday, May 27, 2022**. Any Defendant who wishes to appear only via counsel, must file a waiver of appearance and consent to appear via counsel by no later than **Friday, May 27, 2022**. Any Defendant who wishes to appear in person must file a letter indicating that preference by the May 27, 2022 deadline and the Court will schedule an in person conference for those Defendants.

All parties and any interested members of the public must attend the June 7, 2022 teleconference by dialing 1-888-363-4749, using the access code 3121171, and the security code 0603. All attendees are advised to mute their phones when not speaking and to self-identify each time they speak. Recording or rebroadcasting the proceeding is strictly prohibited by law.

A joint status update on the matter, including with respect to discovery and whether the parties are ready for the Court to set a pre-trial schedule, is due no later than **Monday, May 30, 2022**.

Given the complexities and delays associated with producing and reviewing discovery during the COVID-19 pandemic, the Court finds that the ends of justice in accommodating those delays outweigh the Defendants' and the public's interests in a speedy trial, and that exclusion of time between now and **June 7, 2022** is warranted pursuant to 18 U.S.C. § 3161(h)(7).

SO ORDERED.



Date: April 4, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE